SH2302529

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Miscellaneous Documents

Copy of Cancellation of Commission for Deputy Esperanza, print outs of Deputy Esperanza's employee profile and assignment card reflecting that he is out of service, copies of (2) leave of absences submitted by Deputy Esperanza, Deputy Esperanza's LASD training records, Deputy Esperanza's DMV record and an Automated Firearms System return for his off duty weapon.

Consolidated Criminal History Printouts for the three suspects.

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? [ ]	Hit? [ ]
10/08/13	East Los Angeles Station		

Incident Information

URN: N/A	Date: 12/05/2011	Time: 2100 hours
City or Station: Van Nuys	Nature of Incident: Employee was involved in a traffic collision. When second vehicle fled the scene, employee followed to obtain that vehicle's license plate. Employee fired one shot towards the threatening occupants.	
Location: 5800 Block of Vesper Avenue		

Location Type (check one or more):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [x] Street
- Other:

Lighting (check only one):
- [x] Darkness
- [ ] Daylight
- [ ] Other
- [ ] Street Lights

Weather (circle only one):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: approx. 20-30 feet

Incident Type (check one or more):
- [ ] Accidental
- [ ] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other: UT clarify w/ emp. #1

Initiated by (check only one):
- [ ] Arrest Warrant
- [ ] Call
- [ ] Observation
- [ ] One Person Unit
- [x] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (check only one):
- [ ] Detective
- [ ] Inmate Transport
- [x] Other
- [ ] Routine Patrol

Aero Unit? [ ] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
[redacted]	[redacted]			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Carr	Timothy	D.

PSTD Use Only
SH # 2302529

Officer Involved Shooting
Involved Employee Information

URN: N/A

Involved Employee

E 1

Employee # [redacted]	Last Name Esperanza		First Name Marco	M.I. A.
Sex: M Race: F	Rank: Reserve Deputy	Unit Assignment: East Los Angeles	Work Assignment (Unit #, Module, etc.): Off Duty	
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting: unk	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☑ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:	
Age: [redacted] Height: 505	Weight: 175			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson	Caliber .38	# Shots 1	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name		First Name	M.I.

E ___

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:	
Age: Height:	Weight:			
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

E ___

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:	
Age: Height:	Weight:			
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: N/A

Suspect Information

S 1

Last Name: Stark (driver)		First Name: Cody	M.I. W.
AKA Last Name:		First Name:	M.I.
Sex: M Race: White	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work [redacted]	Ho[redacted]	Social Securi[redacted]	Driver's Licen[redacted]
Age: 25 D.O.B. 03/19/88	Height: 602 Weight: 225	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Honda		Model: Civic	Year: 1993

S 2

Last Name: De Paz (front passenger)		First Name: Ricky	M.I.
AKA Last Name: Banuelos		First Name:	M.I.
Sex: M Race: Hispanic	Street Add[redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: N/A	Ho[redacted]	Social Securi[redacted]	Driver's Licen[redacted]
Age: 22 D.O.B. 04/08/91	Height: 506 Weight: 245	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Same as suspect #1		Model:	Year:

S 3

Last Name: Banuelos (rear passenger)		First Name: Kristy	M.I. A.
AKA Last Name:		First Name:	M.I.
Sex: F Race: Hispanic	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: N/A	Home Phone: N/A	Social Securi[redacted]	Driver's Licens[redacted]
Age: 26 D.O.B. 08/18/87	Height: 503 Weight: 95	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Same as suspect #1		Model:	Year:

S

Last Name:		First Name:	M.I.
AKA Last Name:		First Name:	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

Officer Involved Shooting

URN: N/A

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
12/05/11	2300 hours	01/09/14	

Employee #	Last Name	First Name	M.I.
[redacted]	Bracken	Sonja	M.
[redacted]	Parker	Brenda	
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OO					NN	
S#2	E#1	OO					NN	
E#1	S#1	FH	SW	38	Y	Y	NN	
E#1	S#2	FH	SW	38	Y	Y	NN	
S#3	E#1	UC					NN	

SH-R-438A (rev. 04/18/13)

See Front Side

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED NON-HIT SHOOTING

UNIT:	East Los Angeles Station
DATE:	December 5, 2011, Monday
TIME:	2100 hours
LOCATION:	5800 Block of Vesper Avenue, Van Nuys, California 91401
URN#:	N/A
LAPD DR#:	110911502
IAB#:	SH2302529

Opening Statement

Internal Affairs Bureau Lieutenant [redacted] along with Sergeants Sonja Bracken and Brenda Parker, responded to the 5800 block of Vesper Avenue in Van Nuys, where Reserve Deputy Marcos Esperanza had been involved in an off-duty non-hit shooting. Investigators were given a briefing by Homicide detectives regarding the incident. Sergeant Sonja Bracken was assigned the Shooting Review.

> **IAB Note:** Prior to this incident, Esperanza was employed as a deputy sheriff with the Department from January 28, 2000 until August 1, 2008.

Synopsis

At approximately 2100 hours, Deputy Esperanza (driver) and Witness [redacted] (front passenger) were stopped for a red light at northbound Van Nuys Boulevard at Burbank Boulevard in the number two lane. The suspects' vehicle pulled up next to them in the number one lane of traffic and stopped. The occupants of the suspects' vehicle; Suspect #1- Cody Stark, Suspect #2- Ricky Banuelos (De Paz) and Suspect #3- Kristy Banuelos, began yelling unknown remarks at Esperanza and [redacted] while appearing to hold up gang type signs with their hands. Esperanza attempted to avoid confrontation by letting the suspects' vehicle drive away ahead of them once the traffic light turned green.

The traffic light turned green and both vehicles proceeded through the intersection. Both vehicles were passing through the intersection when the suspects' vehicle deliberately moved into the number two lane directly in front of Esperanza's vehicle and abruptly stopped. Esperanza immediately saw the reverse lights of the suspects' vehicle illuminate and the vehicle began accelerating in reverse. Fearing the driver suspect was going to ram his vehicle, Esperanza took evasive action by turning his vehicle to the left, as he accelerated around the suspect vehicle. The suspects' vehicle struck Esperanza's rear bumper, causing it to be torn off.

The suspects' vehicle then accelerated north on Van Nuys Boulevard and turned west on Hatteras Street. Esperanza followed the vehicle in an attempt to document the suspects' vehicle license plate. At this time, the suspects' vehicle turned north on Vesper Avenue and turned the vehicle lights off. Esperanza turned on his vehicle high beams in order to illuminate the suspects' license plate. After a short distance, the suspect vehicle veered into the front yard of [redacted] Vesper Avenue and stopped partially on the lawn. Esperanza immediately stopped his vehicle on the dimly lit street and saw all three suspects exit their vehicle and begin running towards them. The two males, Stark and R. Banuelos, approached on the driver's side of Esperanza's vehicle while the female, K. Banuelos, approached on the passenger's side. As R. Banuelos neared the front left portion of his vehicle, Esperanza could see he was holding a dark object in his hand and saw what appeared to be a knife in Stark's hand. Fearing for his safety and the safety of his passenger, Esperanza placed his revolver up and out of the open portion of his driver's side window and fired one shot. This action caused both suspects to flee from his vehicle.

Esperanza immediately drove north on Vesper Avenue and, while looking at his rearview mirror, he saw all three suspects run back to their vehicle and flee south on Vesper Avenue. [redacted] dialed 911 on his cellphone and advised an LAPD dispatcher of the shooting. Shortly thereafter, Esperanza drove to LAPD's Van Nuys Division a few blocks away.

INVOLVED PERSONNEL

Esperanza, Marco, Reserve Deputy Sheriff #[redacted]
Central Patrol Division
East Los Angeles Station

Work History (Deputy Sheriff)

Date of Employment: 08/05/1999 through 08/01/2008
Date Assigned to patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]
PPC Qualification Date: [redacted]
Laser Training Date: [redacted]

Work History (Reserve Deputy)

Date of Employment: 03/27/2009 through 10/21/2013
Date Assigned to patrol: 03/27/2009 @ East Los Angeles Station
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]
PPC Qualification Date: [redacted]
Laser Training Date: [redacted]

Suspects

Stark, Cody MW/03-19-88
[redacted]

Ricky Banuelos (De Paz) MH/04-08-91
[redacted]

Kristy Banuelos FH/08-18-87
[redacted]

Sworn Witnesses

None

Civilian Witness

[redacted] MO [redacted]

[redacted] FW/A
[redacted]
(Refer to LAPD criminal report, Exhibit A, page 9)

INJURIES/PROPERTY DAMAGE

Other than the damage to Deputy Esperanza's vehicle, there were no injuries or reported property damage as a result of this incident.

PHYSICAL EVIDENCE

None

WEAPON USED BY DEPUTY PERSONNEL

Esperanza, Marco, Reserve Deputy

Off-Duty Weapon: Department authorized personal Smith and Wesson .38 caliber, 2", Air Weight, 5 shot revolver, serial number [redacted] (Was not certified to carry)

Ammunition: Speer, .38 caliber, SPL+P, semi jacketed

Date last qualified: 06/01/11 (with Beretta 9MM 92FS)

WEAPONS USED BY SUSPECTS

None were located at the scene.

CRIMINAL INVESTIGATION

The criminal investigation was handled by LAPD's Robbery Homicide Division Detectives [redacted] and [redacted] Copies of LAPD's criminal reports are contained in **Exhibits A and D** (Note: The LAPD reports, criminal filing and district attorney's charge evaluation worksheet were placed in chronological order by date in this case). Detective [redacted] presented the criminal case with the charge of Assault with a Deadly Weapon, 245(a)(1) P.C., against Esperanza to the District Attorney's Justice System Integrity Division for filing consideration in April 2012. On May 30, 2012, the case was declined for lack of sufficient evidence, **refer to Exhibit B**. On June 28, 2012, the charge of 20002(A) V.C. against Stark was declined for lack of sufficient evidence, **refer to Exhibit C**.

> **IAB Note:** The LAPD reports included with this case are numbered at the top of the pages.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during night time hours. There were no street lights located in the area where Esperanza fired his weapon. The only illumination was Esperanza's vehicle headlights (high beams) and partial lighting from neighborhood porch lights. The weather was fair, crisp and clear, with no precipitation.

INVOLVED EMPLOYEE STATEMENTS

Esperanza and [redacted] were not interviewed by Internal Affairs Bureau investigators on the date of the incident. Their statements were taken by LAPD investigators for criminal investigation purposes. Both their statements were essentially the same as the above synopsis on pages 1 and 2 of this report.

While on the walk through at the scene of the incident, Esperanza told investigators he fired one round in the air above the suspects to scare them away. On the LAPD report, he said he intentionally fired his weapon "in an upward direction intentionally over the shoulder of the passenger," which was determined to be Suspect #2- R. Banuelos, refer to **Exhibit A, Initial report, page 2**.

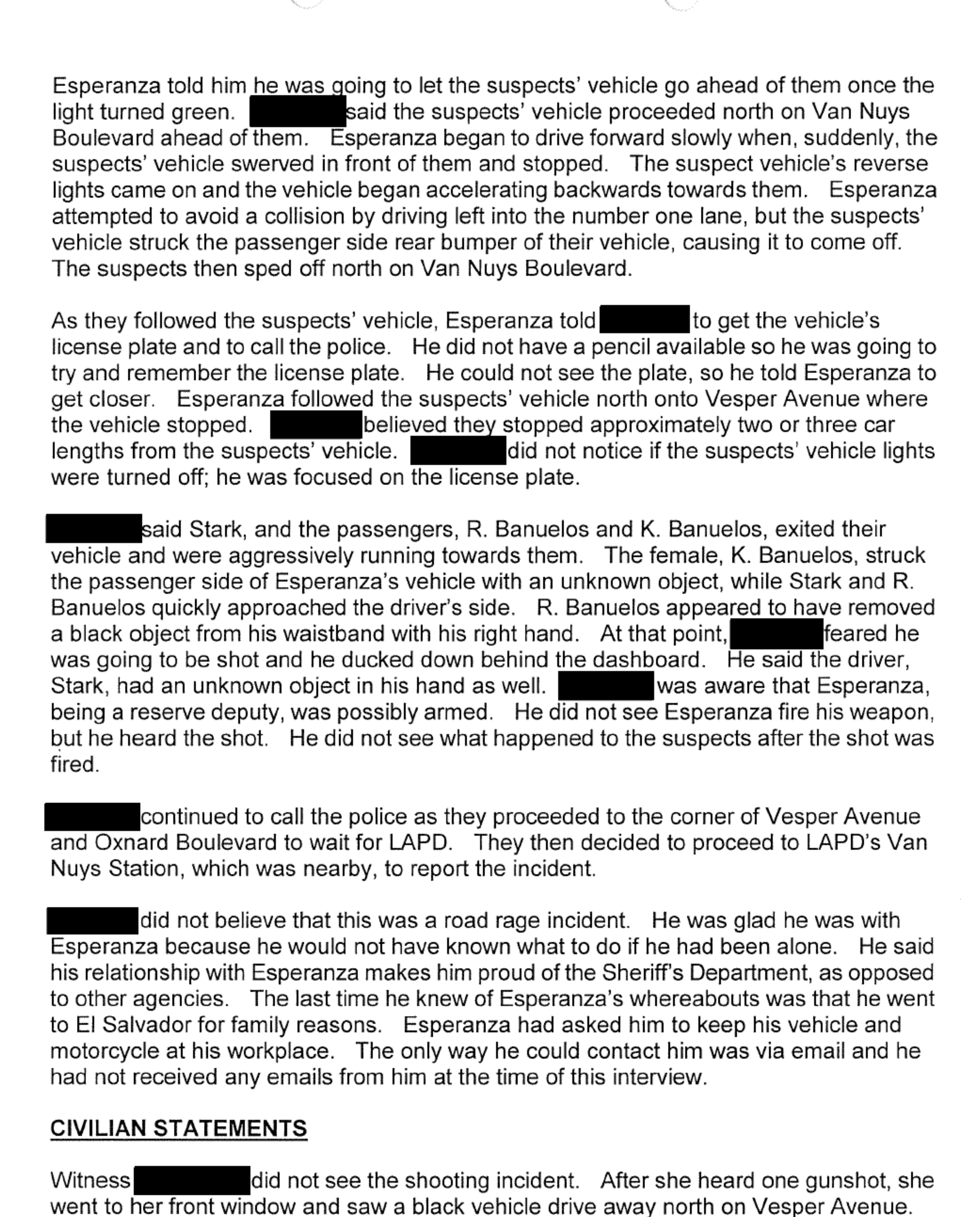
In a Department memo, dated December 10, 2011, Esperanza wrote that he "fired one round at both males in order to stop their attack on me and to protect my life," refer to **Exhibit E, page 2**.

Esperanza took two approved Leaves of Absences (360 days) from July 30, 2012 to January 30, 2013, and from April 1, 2013 to September 1, 2013. The IAB investigator's attempts to interview him in between those dates were unsuccessful, refer to investigator's log. Due to Esperanza's unavailability, the IAB investigator was unable to clarify whether or not he fired a warning shot or an intentional shot at the suspects.

> **IAB Note: This IAB investigator spoke with Deputy Cornelius Healy, the East Los Angeles Station Reserve Coordinator. He was also unable to contact Esperanza. Esperanza did not attend a mandatory reserve deputy meeting on October 1, 2013, and he did not contact Healy to advise him of his whereabouts.**
>
> **Deputy Healy had already collected Esperanza's county issued weapon prior to his second leave of absence. Healy coordinated with the Reserve Forces Bureau to remove Esperanza from the Department. Final separation documents will not be completed until the remainder of Esperanza's equipment is collected; however, according to the Employee Information System and the personnel assignment card, Esperanza is listed as out-of-service/terminated, refer to the Miscellaneous section of this case for those documents.**

WITNESS STATEMENT

On May 24, 2012, Witness [redacted] was interviewed by Sergeant Bracken at his place of business. He said that on the night of this incident he and Esperanza went jogging at a local park and had stopped for a bite to eat afterwards. Once they finished eating, Esperanza drove north on Van Nuys Boulevard. As they were stopped at a red light in the number two lane of Van Nuys Boulevard at Burbank Boulevard, the suspects' vehicle stopped beside them in the number one lane. The occupants of that vehicle were screaming and yelling unknown statements at them. They appeared to be gang members and he believed they may have mistaken them for rival gang members.



Esperanza told him he was going to let the suspects' vehicle go ahead of them once the light turned green. [redacted] said the suspects' vehicle proceeded north on Van Nuys Boulevard ahead of them. Esperanza began to drive forward slowly when, suddenly, the suspects' vehicle swerved in front of them and stopped. The suspect vehicle's reverse lights came on and the vehicle began accelerating backwards towards them. Esperanza attempted to avoid a collision by driving left into the number one lane, but the suspects' vehicle struck the passenger side rear bumper of their vehicle, causing it to come off. The suspects then sped off north on Van Nuys Boulevard.

As they followed the suspects' vehicle, Esperanza told [redacted] to get the vehicle's license plate and to call the police. He did not have a pencil available so he was going to try and remember the license plate. He could not see the plate, so he told Esperanza to get closer. Esperanza followed the suspects' vehicle north onto Vesper Avenue where the vehicle stopped. [redacted] believed they stopped approximately two or three car lengths from the suspects' vehicle. [redacted] did not notice if the suspects' vehicle lights were turned off; he was focused on the license plate.

[redacted] said Stark, and the passengers, R. Banuelos and K. Banuelos, exited their vehicle and were aggressively running towards them. The female, K. Banuelos, struck the passenger side of Esperanza's vehicle with an unknown object, while Stark and R. Banuelos quickly approached the driver's side. R. Banuelos appeared to have removed a black object from his waistband with his right hand. At that point, [redacted] feared he was going to be shot and he ducked down behind the dashboard. He said the driver, Stark, had an unknown object in his hand as well. [redacted] was aware that Esperanza, being a reserve deputy, was possibly armed. He did not see Esperanza fire his weapon, but he heard the shot. He did not see what happened to the suspects after the shot was fired.

[redacted] continued to call the police as they proceeded to the corner of Vesper Avenue and Oxnard Boulevard to wait for LAPD. They then decided to proceed to LAPD's Van Nuys Station, which was nearby, to report the incident.

[redacted] did not believe that this was a road rage incident. He was glad he was with Esperanza because he would not have known what to do if he had been alone. He said his relationship with Esperanza makes him proud of the Sheriff's Department, as opposed to other agencies. The last time he knew of Esperanza's whereabouts was that he went to El Salvador for family reasons. Esperanza had asked him to keep his vehicle and motorcycle at his workplace. The only way he could contact him was via email and he had not received any emails from him at the time of this interview.

CIVILIAN STATEMENTS

Witness [redacted] did not see the shooting incident. After she heard one gunshot, she went to her front window and saw a black vehicle drive away north on Vesper Avenue. (Note: Deputy Esperanza's vehicle was dark green and there were no street lights in the area.) [redacted] then saw two other people run to a parked vehicle and also drive away north on Vesper Avenue. Refer to LAPD's criminal report, **Exhibit D, page 9**.

IAB Note: In his statement to LAPD investigators, Esperanza claimed the suspects' vehicle fled the scene south on Vesper Avenue after the shot was fired, Exhibit A, page 2 of the initial report. However, the suspects, as well as Witness [redacted] said the suspects' vehicle fled north on Vesper Avenue. I was unable to clarify this discrepancy with Esperanza due to his unavailability.

SUSPECT STATEMENTS

Stark, R. Banuelos and K. Banuelos were interviewed by LAPD investigators. Their versions of events were essentially the same as one another. However, they all denied yelling at Esperanza while stopped at the red light on Van Nuys Boulevard. Stark and R. Banuelos claimed that Esperanza was either tailgating or playing "cat and mouse" with them which caused the traffic collision. They said Stark turned onto Vesper Avenue and stopped then they all exited their vehicle to check for any damage. As they were doing so, they saw Esperanza's vehicle pulling up behind them.

They all admitted approaching Esperanza's vehicle, but only R. Banuelos said they approached in an aggressive manner but believing they were going to exchange information with the other driver. K. Banuelos did not elaborate on her actions while at Esperanza's vehicle. R. Banuelos denied having anything in his hands.

R. Banuelos said that Stark may have had his driver's license out as he approached the vehicle and that K. Banuelos may have been acting aggressively on the other side of the vehicle. They all heard a gunshot and retreated in various directions. They all proceeded back to their vehicle and left the location north on Vesper Avenue.

Refer to LAPD's criminal reports, **Exhibits A and D for further details**.